



**REFERENCE:** 16/3/3/1/A1/18/3034/20  
**NEAS REFERENCE:** WCP/EIA/0000780/2020  
**DATE:** 06 October 2021

The Board of Directors  
Richmond Park Development Company (Pty) Ltd  
Atterbury Property Cape (Pty) Ltd  
Postnet Suite 103  
Private Bag X7  
TYGERVALLEY  
7536

**Attention: Mr. Alexander de Beer**

Tel.: (012) 471 1600  
E-mail: [alex@atterbury.co.za](mailto:alex@atterbury.co.za)

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED CONSTRUCTION OF A FUEL FILLING STATION, CONVENIENCE STORE, OFFICE BUILDINGS AND ANCILLARY FACILITIES ON ERF 38333, MILNERTON.**

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

Copied to: (1) Mr. Stuart Heather-Clark / Mr. Nicholas Arnott / Ms. Rizqah Baker (SLR Consulting (South Africa) (Pty) Ltd)

(2) Mr Dimitri Georgeades (City of Cape Town)

E-mail: [shclark@slrconsulting.com](mailto:shclark@slrconsulting.com)  
E-mail: [narnott@slrconsulting.com](mailto:narnott@slrconsulting.com)  
E-mail: [rbaker@slrconsulting.com](mailto:rbaker@slrconsulting.com)  
E-mail: [dimitri.georgeades@capetown.gov.za](mailto:dimitri.georgeades@capetown.gov.za)



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## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, AS AMENDED: PROPOSED CONSTRUCTION OF A FUEL FILLING STATION, CONVENIENCE STORE, OFFICE BUILDINGS AND ANCILLARY FACILITIES ON ERF 38333, MILNERTON.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

#### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Activity Alternative, described in the Final Basic Assessment Report ("BAR"), dated 21 June 2021.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

#### A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Richmond Park Development Company (Pty) Ltd  
c/o Mr. Alexander de Beer  
Atterbury Property Cape (Pty) Ltd  
Postnet Suite 103  
Private Bag X7  
TYGERVALLEY  
7536

Tel.: (012) 471 1600  
E-mail: [alex@atterbury.co.za](mailto:alex@atterbury.co.za)

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

## B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 14 Activity Description: “ <i>The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres</i> ”.	Approximately 120 cubic metres of fuel will be stored at the proposed filling station.

The abovementioned list is hereinafter referred to as “the listed activity”.

The holder is herein authorised to undertake the following alternative that includes the listed activity relating to the development proposal:

The proposed development includes the construction of a fuel filling station, which includes:

- a forecourt refuelling area for light motor vehicles;
- five petrol / diesel pumps;
- four underground fuel storage tanks with a combined capacity of 120 m<sup>3</sup>;
- approximately 41 parking bays;
- a convenience store;
- office buildings;
- ancillary facilities, including *inter alia*, public toilets, auto-teller machines, restaurant, coffee shop;
- refuse room; and
- internal access roads, a single-lane roundabout at the Upper Southern Precinct Boulevard / Richmond Corner Mall Access Road intersection and associated pedestrian sidewalks and walkways.

The filling station in terms of its associated infrastructure services requirements, such as water supply, sewerage and electricity will be provided for / connected to the existing Richmond Park, Milnerton.

The total development footprint will amount to approximately 4 998m<sup>2</sup>.

## C. SITE DESCRIPTION AND LOCATION

The listed activity will be undertaken on Erf 38333, which is located off Platteklouf Road, Milnerton and approximately 500m east of the N7 National Road. The filling station will be located within the Southern Precinct of the existing Richmond Park development, Milnerton.

The SG digit code is:

C01600340003833300000

The site co-ordinates are:

33° 50' 57.410" South; 18° 32' 18.311 " East

Refer to Annexure 1: Locality Plan.

Refer to Annexure 2: Site Development Plan.

The above is hereinafter referred to as “**the site**”.

## D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

SLR Consulting (South Africa) (Pty) Ltd.  
c/o Mr. Stuart Heather-Clark / Mr. Nicholas Arnott / Ms. Rizqah Baker  
P. O. Box 10145  
CALEDON SQUARE

Tel.: (021) 461 1118

E-mail: [shclark@slrconsulting.com](mailto:shclark@slrconsulting.com) / [narnott@slrconsulting.com](mailto:narnott@slrconsulting.com) / [rbaker@slrconsulting.com](mailto:rbaker@slrconsulting.com)

## E. CONDITIONS OF AUTHORISATION

### Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the preferred Activity Alternative described in the Final BAR, dated 21 June 2021 on the site as described in Section C above.
2. Authorisation of the activity is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activity.
  - (b) A period of ten (10) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activity for the construction phase, must be concluded.
4. The activity that has been authorised may only be carried out at the site described in Section C above in terms of the approved “Environmental Management Programme” (“EMPr”).
  5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be accepted or approved in writing by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

### Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
  - 6.1 notify all registered Interested and Affected Parties (“I&APs”) of –
    - 6.1.1 the outcome of the application;
    - 6.1.2 the reasons for the decision;
    - 6.1.3 the date of the decision; and
    - 6.1.4 the date of issue of the decision;
  - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
  - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 6.4 provide the registered I&APs with:
    - 6.4.1 the name of the holder (entity) of this Environmental Authorisation;

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- 6.4.2 name of the responsible person for this Environmental Authorisation;
- 6.4.3 postal address of the holder;
- 6.4.4 telephonic and fax details of the holder;
- 6.4.5 e-mail address, if any; and
- 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

### **Commencement**

- 7. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
- 8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

### **Written notice to the competent authority**

- 9. A minimum of seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activity. Commencement for the purpose of this condition includes site preparation.

9.1 The notice must make clear reference to the site details and EIA Reference number given above.

9.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 14, 18 and 19.

### **Management of activity**

- 10. The EMPr submitted, as dated June 2021 is hereby approved and must be implemented.
- 11. An application for amendment of the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended), if any amendments are to be made to the outcomes of the EMPr and these may only be implemented once the amended EMPr has been authorised by the competent authority.
- 12. The EMPr must be included in all contract documentation for all phases of implementation.
- 13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activity will be undertaken. Access to the site referred to in Section C above must be granted and the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see these for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works performs work at the site.

### **Monitoring**

- 14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase and rehabilitation phases of implementation.

The ECO must–

14.1 be appointed prior to commencement of any land clearing or construction activities commencing;

14.2 ensure compliance with the EMPr and the conditions contained herein; and

14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

## Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid –
  - 15.1 ensure that compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
  - 15.2 submit at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit one audit report three (3) months after commencement of the construction phase and another audit report six (6) months after completion of the construction phase; and
  - 15.3 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must –

  - 16.1 provide verifiable findings, in a structured and systematic manner, on–
    - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
    - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
  - 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
  - 16.3 evaluate the effectiveness of the EMPr;
  - 16.4 identify shortcomings in the EMPr;
  - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
  - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
  - 16.7 include a photographic record of the site applicable to the audit; and
  - 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and, where the holder has such a facility, place on a publicly accessible website.

## Specific conditions

18. A Stormwater Management Plan must be compiled and submitted to the City of Cape Town for approval. A copy of the approval of the Stormwater Management Plan must be submitted to this Department prior to commencement.
19. An Emergency Fire Response Plan must be submitted to the City of Cape Town for approval. A copy of the approval as well as the approved Emergency Fire Response Plan must be submitted to this Department prior to commencement.
20. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
21. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
22. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include:

archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

## F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for the activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

## G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
  - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 1.2 Submit a copy of the appeal to any registered Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -
  - 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 2.2 Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
  4. The appeal and the responding statement must be submitted to the address listed below:
    - By post:           Attention: Marius Venter  
Western Cape Ministry of Local Government, Environmental Affairs and  
Development Planning  
Private Bag X9186  
CAPE TOWN  
8000
    - By facsimile:    (021) 483 4174; or
    - By hand:          Attention: Mr Marius Venter (Tel: 021 483 3721)  
Room 809  
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
- Note: For purposes of electronic database management, you are requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## H. RECOMMENDATIONS

This Directorate recommends that the following be implemented:

- Rainwater tanks should be installed.
- A dual rain / main water system should be installed.
- Urinals should be waterless.
- Dual flush system should be implemented for the ablution facilities.
- Low flow taps should be installed.
- Rooftop integrity panels should be installed at the convenience store.
- Low energy light bulbs should be used.
- Auto on-off light switches in ablutions and other infrequently used areas, such as bathrooms should be used.



## I. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DATE OF DECISION: 06 OCTOBER 2021**

Copied to: (1) Mr. Stuart Heather-Clark / Mr. Nicholas Arnott / Ms. Rizqah Baker (SLR Consulting (South Africa) (Pty) Ltd)

E-mail: [shclark@slrconsulting.com](mailto:shclark@slrconsulting.com)

E-mail: [namott@slrconsulting.com](mailto:namott@slrconsulting.com)

E-mail: [rbaker@slrconsulting.com](mailto:rbaker@slrconsulting.com)

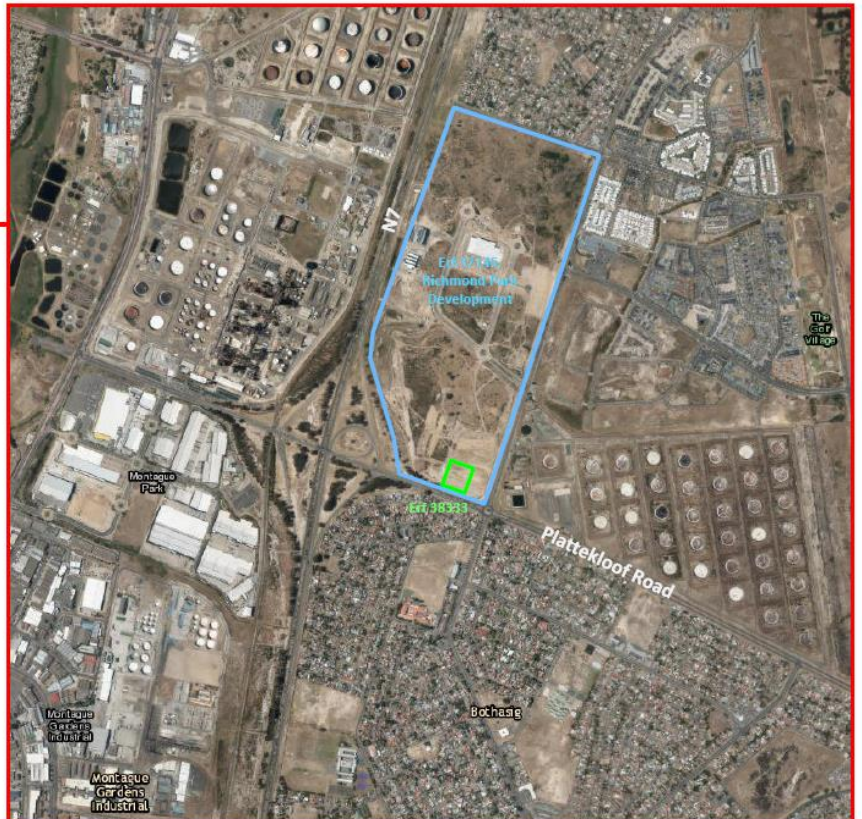
E-mail: [dimitri.georgeades@capetown.gov.za](mailto:dimitri.georgeades@capetown.gov.za)

(2) Mr. Dimitri Georgeades (City of Cape Town)

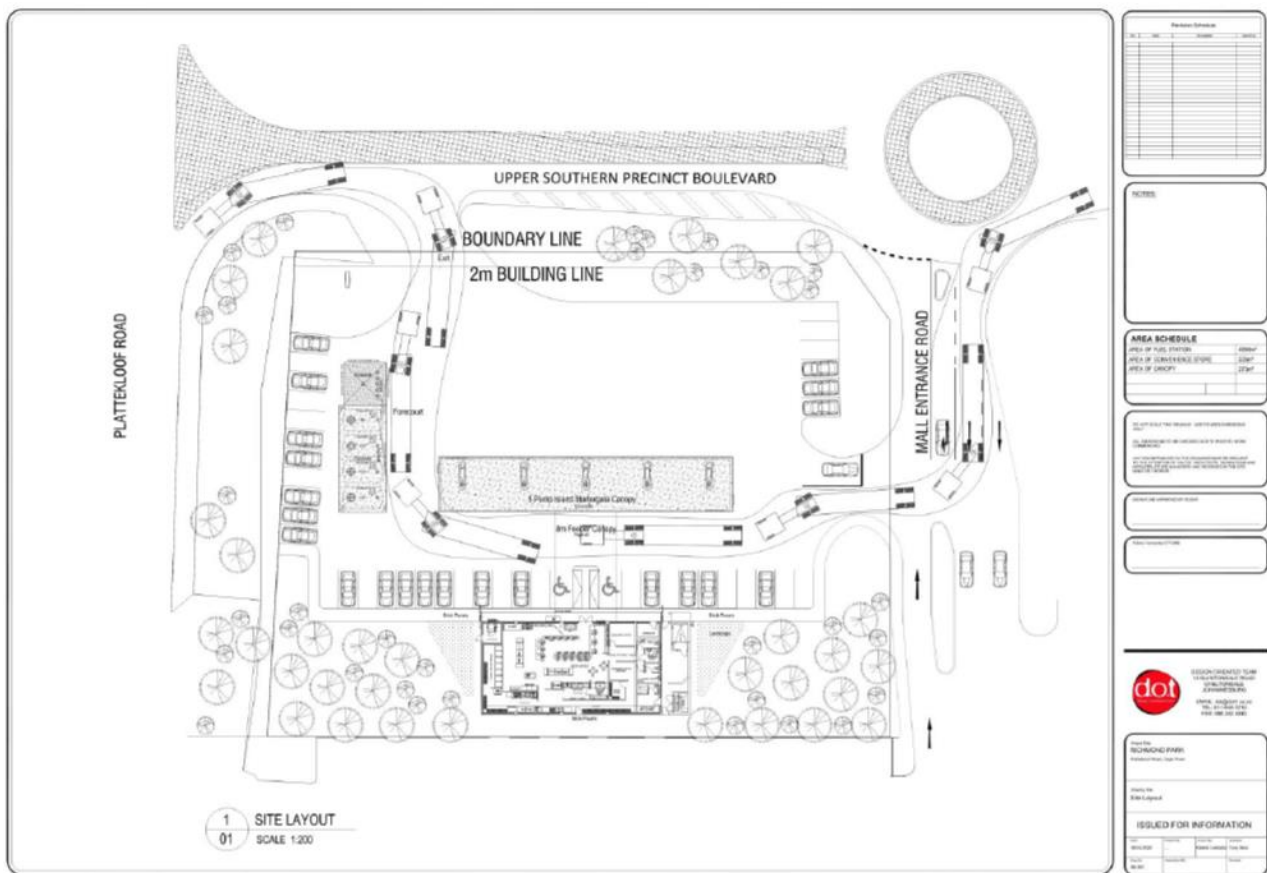
### **FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER: 16/3/3/1/A1/18/3034/20**  
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## ANNEXURE 1: LOCALITY MAP



## ANNEXURE 2: THE SITE DEVELOPMENT PLAN



## ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form dated 25 August 2020, the Final BAR dated 21 June 2021, the EMPr dated June 2021 and the additional information received on 8 September 2021, 13 September 2021 and 5 October 2021.
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from I&APs and responses to these, included in the Final BAR.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

### 1. Public Participation

The public participation process included:

- a preliminary Interested and Affected Party ("I&AP") database was maintained;
- initial notifications were sent to all relevant and identified I&APs on 26 August 2020;
- an advertisement was placed in the 'Cape Times' and 'Die Burger' on 26 August 2020;
- notices were placed on the site at the beginning of the comment period on 26 August 2020;
- copies of full reports and Executive Summary were made available on the website ([www.slrconsulting.com/za](http://www.slrconsulting.com/za)) and at the corresponding zero-rated website (<https://slrpublicdocs.datafree.com>) during the periods of 26 August 2020 to 28 September 2020 and 18 May 2021 to 17 June 2021; and
- copies of Draft BAR and associated information were distributed to the key authorities and I&APs for the period of 26 August to 28 September 2020; and
- copies of updated Draft BAR and associated information were distributed to the key authorities and I&APs for the period of 18 May 2021 to 17 June 2021.

During the public participation process, comments and objections were received. The comments received related to the potential impacts on groundwater resources, details regarding the site layout which needs to be confirmed, on-site waste management operations, the need to avoid stormwater, soil and groundwater contamination and the increased traffic, nuisance and crime/safety risks.

In terms of impacts on groundwater resources, it was indicated that a Geohydrological Site Assessment was undertaken to assess the potential impacts on groundwater resources. Regarding the site layout, it was confirmed that a site plan which details layout was appended to the BAR. The matters relating to the waste management and the need to avoid stormwater, soil and groundwater contamination nuisance related impacts were confirmed to have been addressed as part of the updated EMPr. A Traffic Impact Assessment was also compiled to address the traffic related impacts which revealed that intersections are expected to continue to operate acceptably and no road upgrade, except for a single lane roundabout. Regarding crime/safety risks, it was confirmed that the fuel station itself would implement typical security measures (e.g. formal surveillance using electronic alarms and CCTV).

The objections received related to the proposal already being objected in terms of the rezoning application and the previous application for a filling station, which was refused by the Department of Energy, the increased traffic volumes and the associated noise levels that will result and that the filling station is unviable and will have a negative impact on residents' daily lives. The EAP acknowledged and responded to these aspects by confirming that a Traffic Impact Assessment was conducted to address the traffic related impact and the EMPr was updated to include provisions to mitigate potential noise related impacts. Regarding the unviability of the filling station and have a negative impact on residents' daily lives, it was confirmed that the proposed fuel station forms part of the overall Richmond Park mixed-use development, which was already approved and obtained Environmental Authorisation. It was also indicated that a feasibility study for the proposed fuel station was undertaken to address the viability of the filling station and the impacts on the receiving environment. The said study determined that proposed filling station is not expected to significantly

impact the competitor sites located within a 3 km radius of the site as the proposed development would target new traffic generated by the continued development of Richmond Park as well as the new Burgandy Housing Developments that are currently underway. Furthermore, the filling station would intercept approximately 10% of the passing traffic for the Total Richmond, Engen Plattekloof, as well as Engen De Grendel Motors. These determinations indicate that the proposed filling station would not render any of the existing competitor sites uneconomical.

With regards to the application refused by the Department of Energy, the EAP confirmed that the said application pertained to the previous applicant who submitted the application but never obtained a formal decision from the Competent Authority. The previous application was not continued with and the current proposal forms part of the overall and existing Richmond Development.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in the BAR.

## 2. Alternatives

Four on-site alternatives were identified and investigated by the applicant.

### Site Alternative (Preferred by the applicant)

The preferred site alternative entails the development of the proposed fuel filling station on the most southern end of Erf 38333 and immediately adjacent to Plattekloof Road.

### Site Alternative 1 (Not preferred by the applicant)

Site 1 Alternative entails the development of the filling station opposite the preferred site alternative, on the opposite side of Upper Southern Precinct Boulevard and adjacent to Plattekloof Road.

### Site Alternative 2 (Not preferred by the applicant)

Site 2 Alternative entails the development of the filling station on the corner of the internal road forming part of the retail centre site and Tygerberg Valley Roads.

### Site Alternative 3 (Not preferred by the applicant)

Site 3 Alternative entails the development of the filling station on the opposite side of internal road forming part of the retail centre site.

Site Alternatives 1, 2 and 3 are not preferred by the applicant, as the locations of site alternatives 1 and 2 have been earmarked for specific developments as part of the development vision of the greater Richmond Park, while the location of site alternative 3 would not permit safe vehicular movements between the proposed filling station and Tygerberg Valley Road. These factors resulted in only one Site Alternative, as described above being preferred.

### Activity Alternative (Preferred by the applicant and herewith authorised)

The preferred and only Activity Alternative includes the construction of a fuel filling station, which includes:

- a forecourt refuelling area for light motor vehicles;
- five petrol / diesel pumps;
- four underground fuel storage tanks with a combined capacity of 120 m<sup>3</sup>;
- approximately 41 parking bays;
- a convenience store;
- office buildings;
- ancillary facilities, including *inter alia*, public toilets, auto-teller machines, restaurant, coffee shop;
- refuse room; and
- internal access roads, a single-lane roundabout at the Upper Southern Precinct Boulevard / Richmond Corner Mall Access Road intersection and associated pedestrian sidewalks and walkways.

The filling station in terms of its associated infrastructure services requirements such as water supply, sewerage and electricity will be provided for / connected to the existing Richmond Park, Milnerton.

The total development footprint will amount to approximately 4 998m<sup>2</sup>.

This is the preferred and only activity alternative as proposed filling station fits in with the overall development vision of the Richmond Park, which includes the development of a filling station and associated ancillary facilities, as proposed. The proposed filling station will also provide a convenient and easily accessible service facility to all users of the newly developed Richmond Park, including those who travel on Platteklouf and Tygerberg Valley Roads.

Layout Alternative (not preferred by the applicant):

An initial layout alternative was considered during the early project development phases. This initial layout included the following components:

- access to and from the proposed fuel station would be obtained from Upper Southern Precinct Boulevard using a left-in / left-out configuration;
- 24 parking parks for light motor vehicles; and
- installing the underground storage tanks towards the north of the site.

The abovementioned components considered were found to be unviable based on the following reasons:

- access to and from Upper Southern Precinct Boulevard will make it impossible for fuel tankers to move in and out of the fuel station and also provides for insufficient vehicular stacking distance onto Platteklouf;
- a single-lane roundabout is required to improve access to the fuel station;
- additional parking bays were required; and
- the location of the underground storage tanks had to be moved southwards to allow for the preferred entry and exit points to the proposed fuel station.

Alternative options (not preferred by the applicant):

The option of providing electric car-charging stations was not deemed to be feasible due to the very limited number of electric vehicles being sold in South Africa.

Above-ground tanks were considered, but was not deemed to be feasible due to above-ground tanks being associated with fuel depots and not public fuel stations servicing standard motor vehicles.

No-go alternative (not preferred by the applicant):

No-Go alternative means that the project will not proceed, i.e. no construction of the filling station and ancillary facilities. This alternative was rejected as it would result in a lost business opportunity, no generation employment opportunities or the provision of a filling station to serve the local community.

### **3. Impact Assessment and Mitigation measures**

#### **3.1 Activity need and desirability**

The proposed development will form part of the existing overall Richmond Park mixed-use development.

The site is also desirable from a location perspective, as the proposed fuel station will be located on a main route (Platteklouf Road) and could reduce the distance users of the road need to travel to refuel their motor vehicles.

According to the Feasibility Study dated April 2021, the proposed location for the development of a filling station will not have any detrimental impacts on the existing filling competitor stations within 3km radius of the site. It was further determined that the proposed development would not render these existing competitor stations uneconomical by taking away their sales in fuel and other retail services it offers. As such, it was found that the proposed development could successfully co-exist amongst its competitor sites. More specifically, it is detailed in Final BAR as well as abovementioned Feasibility Study that the proposed development is targeted at the New Richmond Park Development and the New Burgandy Housing Developments that are currently underway. In this regard it was emphasised that the site is positioned to serve mainly the transit market along Platteklouf Road, the Richmond Business Park and New Burgandy Housing

Developments. The traffic along this route does furthermore consist largely of high passenger vehicles, trucks and taxi's, which will potentially make use of the filling station.

### 3.2 Regional/Planning Context

The site is zoned Mixed Use III in an existing Retail Park development.

### 3.3 Biophysical Impacts

The proposed filling station will be constructed on a brownfield site comprising the existing Richmond Park mixed-use development. No natural surface water resources, vegetation or biophysically sensitive environments are located on or in close proximity to the site.

The aquifer below the site is regarded as being vulnerable and of high susceptibility susceptible to groundwater contamination, which is also contributed to the medium to highly permeable local subsoils. Eight boreholes used for residential irrigation purposes (i.e. garden watering) were found within a 500 m radius, south and south west of the site. Given these conditions, contamination risk mitigation measures, including the need for groundwater monitoring, as included in the EMPr must be implemented.

### 3.4 Groundwater Impacts

According to the Geohydrological Assessment dated 3 March 2021, the aquifer below the site is regarded as being vulnerable and of high susceptibility to groundwater contamination, which is also contributed to the medium to highly permeable local subsoils. Eight boreholes used for residential irrigation purposes (i.e. garden watering) were found within a 300 m radius, south and south west of the site. This assessment determined that the risk of contamination is medium. As such, ground water monitoring, as included in the EMPr must be implemented. The EMPr similarly contains mitigation measures that must be adhered to ensure that the risk of contamination, e.g. spillages are avoided. These include following proper methods to conduct refuelling, storage and disposal.

### 3.5 Visual/Sense of place

The proposed development will be visible from Platteklouf Road and from the Retail Centre located within Richmond Park. The filling station will however not be out of place with the surrounding environment, which comprises urban development and an existing business park.

### 3.6 Heritage

No impacts on any heritage resources are expected. Heritage Western Cape confirmed in their correspondence dated 5 October 2020 that their original comments dated 11 January 2012 supporting the overall Richmond Park development still applies.

### 3.7 Nuisance impacts

Construction activities would result in an increase in dust and noise levels. It can however be expected that these will be localised and limited to the immediate surrounds and the site. The EMPr contains requirements that must be adhered to ensure that these impacts remain low.

Regarding noise, it is estimated in the final BAR that during operation, noise is not anticipated to be significantly louder than the ambient noise associated with the existing traffic on Platteklouf Road. The filling station will also be located in an area which comprises existing commercial/industrial landuses.

During refuelling of the underground storage tanks, emission of fugitive Volatile Organic Compounds ("VOC's") is likely. However, the volume and nature of these emissions are not expected to be different to those associated with other typical filling stations.

### 3.8 Health and Safety

The proposed fuel station has a potential fire risk associated with the fuel (flammable liquids) and electrical equipment used on site. Accidental fires could impact on the health and safety of the employees as well as patrons of the filling station. With effective measures put in place, the significance of the impact will be low. The implementation of the Emergency Response Plan as required in terms of the condition of this Environmental Authorisation, will minimise the risk and potential impacts of emergency situations such as accidental fires.

### 3.9 Traffic

According to the Traffic Impact Assessment dated April 2021, the proposed development is expected to generate 83 weekday peak hour 'AM' trips and 160 peak hour 'PM' trips, respectively. It was established that the local intersections are expected to continue to operate

at acceptable levels-of-service, during the peak hours. Furthermore, no interruptions to the flow of traffic on Plattekloof Road are expected, and low impacts on local traffic is expected during the operational phase. Hence no additional upgrades are required, except for a single lane roundabout, access to the filling station and associated infrastructure such as sidewalks to accommodate pedestrians.

### 3.10 Socio-economic

The proposed development will provide employment opportunities during the construction and operational phases.

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

- Increased traffic to and from the site.
- Increased nuisance related impacts such as noise, and dust during the construction phase.

#### **Positive impacts:**

- Provision of a fuel filling station together with ancillary retail offerings for the local area.
- Employment opportunities during the construction and operational phases.

## **4. National Environmental Management Act Principles**

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of the activity (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

## **5. Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

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